

REMARKS

Claims 1-30 are pending in this application.

The Office Action dated August 25, 2004, has been received and carefully reviewed. In that Office Action, claims 1-4, 8-10, 12-21 and 26-28 were rejected under 35 U.S.C. 102(b) as being anticipated by Kelly; claims 23-25 were rejected under 35 U.S.C. 102(b) as being anticipated by Pearson, and claims 29 and 30 were rejected under 35 U.S.C. 102(b) as being anticipated by Duer. Claims 11 and 22 were rejected under 35 U.S.C. 103(a) as being unpatentable over Kelly. Formal rejections were raised in connection with claims 20, 25 and 26-28 which have been addressed by the above amendment. No substantive rejections were raised in connection with claims 26-28 and it is therefore believed that these claims are now in condition for allowance.

It was indicated that claims 5-7 would be allowable if amended to include the limitations of their base claims. In view of the following remarks, it is respectfully submitted that claim 1, from which claims 5-7, depend is allowable as written. Therefore, claims 5-7 are not being rewritten at this time. Reconsideration and allowance of claims 1-30 is respectfully requested in view of the above amendments and following remarks.

Claim 1 stands rejected under 35 U.S.C. 102(b) as being anticipated by Kelly. Claim 1 requires a method of accelerating an object that includes the step of "accelerating the object to a

second speed substantially greater than said first speed by controlling the airfoil to fly the object at a non-zero angle to the first direction." The term "by" in the claim indicates that it is the controlling of the airfoil that accomplishes the acceleration. Kelly uses a propulsion system to accelerate an object. Kelly in no manner shows or suggests accelerating an object by controlling an airfoil as required by claim 1. It is therefore submitted that claim 1 is allowable over the art of record.

Claims 2-7 depend from claim 1 and are therefore submitted to be allowable for the same reasons as claim 1.

Claim 8 has been rewritten to remove what were alleged to be method steps from an apparatus claim. As amended, claim 8 requires a controller for accelerating an object to a speed substantially greater than a first speed by flying said object at an angle to the first direction. In view of this amendment and the arguments presented in connection with claim 1, it is respectfully submitted that claim 8 and its dependent claims 9-22 are now in condition for allowance.

Claims 11 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kelly. Claims 11 and 22 depend from claim 8 and are therefore submitted to be allowable for the same reasons as claim 8.

Claim 23 stands rejected under 35 U.S.C. 102(b) as being anticipated by Pearson. As amended, claim 23 requires a suborbital towing vehicle. Pearson discloses an orbital towing vehicle and in no manner shows or suggests the use of a suborbital vehicle as now required by claim 23. Claim 23 is submitted to be allowable over Pearson for at least this reason.

Claim 24 stands rejected under 35 U.S.C. 102(b) as being anticipated by Pearson. By the above amendment, claim 24 has been amended to recite a suborbital towing vehicle. Pearson discloses an orbital towing vehicle and in no manner shows or suggests the use of a suborbital vehicle as now required by claim 24. Claim 24, and its dependent claim 25, are submitted to be allowable over Pearson for at least this reason.

Claim 29 is rejected under 35 U.S.C. 102(b) as being anticipated by Duer. As amended, claim 29 requires first and second lengths of tether wherein the sum of the first and second lengths is at least 50 miles. Duer in no manner shows or suggest the use of first and second tethers having a combined length of at least 50 miles as now required by claim 29. Claim 29 is submitted to be allowable for at least this reason.

Claim 30 stands rejected under 35 U.S.C. 102(b) as being anticipated by Duer. As amended, claim 30 requires a method that involves flying a towing vehicle in a first direction, flying a first towed object to a first side of the towing vehicle and, while

the first object is flying to the first side of the towing vehicle, flying a second object attached to a tether away from the first side of the towing vehicle. There is no suggestion in Duer that, when plane 1 banks in a first direction and plane 2 banks in the first direction that plane 3 should or could be flown in a direction away from the first direction. Claim 30 is submitted to be allowable for at least this reason.

Conclusion

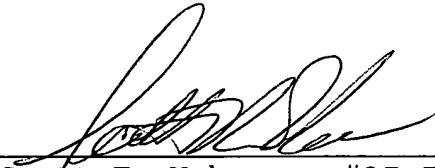
Each issue raised in the Office Action dated August 25, 2004, has been addressed, and it is believed that claims 1-30 are now in condition for allowance. Wherefore, reconsideration and allowance of claims 1-30 is earnestly solicited.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Scott Wakeman (Reg. No. 37,750) at the below telephone number to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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